



Declaration for Patent Application

Docket Number: 1735.0450001/RWE/BEC

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof**, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on April 18, 2001;
as United States Application Number or PCT International Application Number To Be Assigned; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/197,599
(Application No.)

April 18, 2000
(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)

(Filing Date)

(Status - patented, pending, abandoned)

(Application No.)

(Filing Date)

(Status - patented, pending, abandoned)


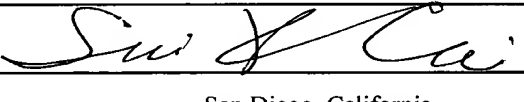
Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W., Suite 600
Washington, D.C. 20005-3934

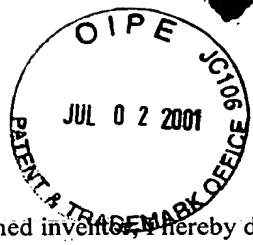
Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	John A. Drewe	
Signature of sole or first inventor		4/23/01 Date
Residence	Carlsbad, California	
Citizenship	United States of America	
Mailing Address	7069 Murillo Lane	
	Carlsbad, California 92009	
Full name of second inventor	Sui Xiong Cai	
Signature of second inventor		4/23/01 Date
Residence	San Diego, California	
Citizenship	United States of America	
Mailing Address	3623 Berryfield Court	
	San Diego, California 92130	
Full name of third inventor	Emma Jane Shelton	
Signature of third inventor		Date
Residence	Menlo Park, California	
Citizenship	United States of America	
Mailing Address	680 Lemon Street	
	Menlo Park, California 94025	

Full name of fourth inventor	Joane Litvak
Signature of fourth inventor	Date
Residence	Oakland, California
Citizenship	United States of America
Mailing Address	555 Jean Street, Apt. 626
	Oakland, California 94610
Full name of fifth inventor	David Sperandio
Signature of fifth inventor	Date
Residence	Mountain View, California
Citizenship	Switzerland
Mailing Address	150 Paseo Court
	Mountain View, California 94043
Full name of sixth inventor	Jeffrey R. Spencer
Signature of sixth inventor	Date
Residence	South San Francisco, California
Citizenship	United States of America
Mailing Address	8 Baycrest Way
	South San Francisco, California 94080



Declaration for Patent Application

Docket Number: 1735.0450001/RWE/BEC

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I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof**, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on April 18, 2001;
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was amended on _____ (if applicable).

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I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Claimed
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)	

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>60/197,599</u>	<u>April 18, 2000</u>
(Application No.)	(Filing Date)

_____	_____
(Application No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

_____	_____	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
_____	_____	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

Send Correspondence to:

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1100 New York Avenue, N.W., Suite 600
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Direct Telephone Calls to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	John A. Drewe
Signature of sole or first inventor	Date
Residence	Carlsbad, California
Citizenship	United States of America
Mailing Address	7069 Murillo Lane
	Carlsbad, California 92009
Full name of second inventor	Sui Xiong Cai
Signature of second inventor	Date
Residence	San Diego, California
Citizenship	United States of America
Mailing Address	3623 Berryfield Court
	San Diego, California 92130
Full name of third inventor	Emma Jane Shelton
Signature of third inventor	<i>Emma Jane Shelton</i> Date 5-1-01
Residence	Menlo Park, California
Citizenship	United States of America
Mailing Address	680 Lemon Street
	Menlo Park, California 94025

Full name of fourth inventor	Joane Litvak	
Signature of fourth inventor	<i>Joane Litvak</i>	5/02/01 Date
Residence	Oakland, California	
Citizenship	United States of America	
Mailing Address	555 Jean Street, Apt. 626	
	Oakland, California 94610	
Full name of fifth inventor	David Sperandio	
Signature of fifth inventor	<i>David Sperandio</i>	5/1/2001 Date
Residence	Mountain View, California	
Citizenship	Switzerland	
Mailing Address	150 Paseo Court	
	Mountain View, California 94043	
Full name of sixth inventor	Jeffrey R. Spencer	
Signature of sixth inventor	<i>Jeffrey R. Spencer</i>	5/1/2001 Date
Residence	South San Francisco, California	
Citizenship	United States of America	
Mailing Address	8 Baycrest Way	
	South San Francisco, California 94080	



Cytovia, Inc., a corporation of Delaware, having a principal place of business at 6650 Nancy Ridge Drive, San Diego, California 92121, is assignee of John A Drewe's and Sui Xiong Cai's entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on April 23, 2001 of an invention known as Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof (Attorney Docket No. 1735.0450001/RWE/BEC)), which is disclosed and claimed in a patent application of the same title by the inventor(s) John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joane Litvak, David Sperandio and Jeffrey R. Spencer (said application filed on April 18, 2001 at the U.S. Patent and Trademark Office, having Application Number 09/836,548).

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,103; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; and Linda E. Alcorn, Esq., Reg. No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Cytovia, Inc.
SIGNATURE: X [Signature]
BY: X Ben Y. Tseng, Ph.D.
TITLE: X Senior Director, Research
DATE: X 6/26/01



Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: David Sperandio and Jeffrey R. Spencer

Application No./Patent No.: 09/836,548 Filed/Issue Date: April 18, 2001

Substituted 1,4-Thiazepine and Analogs as Activators of Caspases
Entitled: and Inducers of Apoptosis and the Use Thereof

Cytovia, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest, or
2. ☒ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: X Ben Y. Tseng 6/26/01
Name: X Ben Y. Tseng, Ph.D.
Title: X Senior Director, Research
Signature: X Ben Y. Tseng

1735.0450001/RWE/BEC

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: (1) John A. Drewe and (2) Sui Xiong Cai, the undersigned inventors hereby sells and assigns to Cytovia, Inc. (the Assignee) their entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

(a) in the invention(s) known as Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof for which application(s) for patent in the United States of America has (have) been executed by the undersigned on (1) 4/23/01; (2) 4/23/01 (also known as United States Application No. To Be Assigned, filed April 18, 2001, in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.


The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

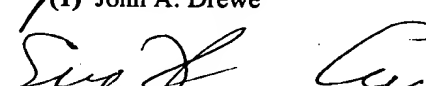
The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

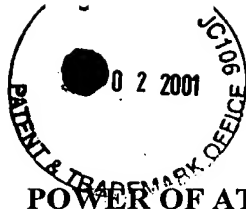
The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021;

David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite their names.

Date: 4/23/01 Signature of Inventor: 
(1) John A. Drewe

Date: 4/23/01 Signature of Inventor: 
(2) Sui Xiong Cai



POWER OF ATTORNEY FROM ASSIGNEE

Axys Pharmaceuticals, Inc., a corporation of Delaware, having a principal place of business at 180 Kimball Way, South San Francisco, California 94080, is assignee of (1) Emma Jane Shelton's, (2) Joane Litvak's, (3) David Sperandio's and (4) Jeffrey R. Spencer's entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on (1) May 1, 2001; (2) May 2, 2001; (3) May 1, 2001 and (4) May 1, 2001 of an invention known as Substituted 1,4-Thiazepine and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof (Attorney Docket No. 1735.0450001/RWE/BEC)), which is disclosed and claimed in a patent application of the same title by the inventor(s) John A. Drewe, Sui Xiong Cai, Emma Jane Shelton, Joane Litvak, David Sperandio and Jeffrey R. Spencer (said application filed on April 18, 2001 at the U.S. Patent and Trademark Office, having Application Number 09/836,548).

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,103; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; and Linda E. Alcorn, Esq., Reg. No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

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1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Axys Pharmaceuticals, Inc.
SIGNATURE: [Signature]
BY: David E. Riggs
TITLE: Senior VP, Chief Financial Officer
DATE: 06/15/2001

PAUSERS\DENISEB\POAS\17350451axys



Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: David Sperandio and Jeffrey R. Spencer

Application No./Patent No.: 09/836,548 Filed/Issue Date: April 18, 2001

Substituted 1,4-Thiazepine and Analogs as Activators of Caspases
Entitled: and Inducers of Apoptosis and the Use Thereof

Axys Pharmaceuticals, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. ☐ the assignee of the entire right, title, and interest, or
- 2. ☒ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

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The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: 06/15/2001

Name: David E. Riggs

Title: Senior VP, Chief Financial Officer

Signature: [Handwritten Signature]

(Atty. Dkt. 1735.0450001/RWE/BEC)

1735.0450001/RWE/BEC

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: (1) Emma Jane Shelton, (2) Joane Litvak, (3) David Sperandio and (4) Jeffrey R. Spencer, the undersigned inventors hereby sells and assigns to Axys Pharmaceuticals, Inc. (the Assignee) their entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

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(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

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The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite their names.

Date: 5-1-01 Signature of Inventor: Emma Jane Shelton
(1) Emma Jane Shelton

Date: 5/2/01 Signature of Inventor: Joane Litvak
(2) Joane Litvak

Date: 5/1/2001 Signature of Inventor: David Sperandio
(3) David Sperandio

Date: 5/1/2001 Signature of Inventor: Jeffrey R. Spencer
(4) Jeffrey R. Spencer